



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/054,797	04/21/86	BRANDSTROM	257704 PTO

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EXAMINER	
FANFG	
ART UNIT	PAPER NUMBER
12.1	29

DATE MAILED: 07/21/87

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☒ Responsive to communication filed on 4/27/87 5/4/87 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449
4. ☐ Notice of informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4, 16-36 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
_____ have been cancelled.
2. ☐ Claims _____ are allowed.
3. ☒ Claims 1-4, 16-31 are rejected.
4. ☒ Claims 33-36 are objected to.
5. ☐ Claims _____ are subject to restriction or election requirement.
6. ☐ Claims _____
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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Art Unit 121

Claims 32-36 are again rejected under 35 USC 103 as being obvious over the art of record for reasons of record. Applicants' arguments together with Pilbrant's Declaration have been carefully considered, but are deemed unpersuasive. Note Berge et al. page 1, col. 2 which states there is no reliable way of predicting the influence of a particular salt species on the behavior of the parent drug. Thus the evidence presented is not commensurate with the scope of the claims. The result of Na^+ , Ca^{++} salts can not be extrapolated to salts of Ti^{4+} $\text{NH}_2-\text{C}^+ \begin{matrix} \text{NH}_2 \\ \text{NH}_2 \end{matrix}$ and the like.

Claims 1-4, 16-19, 20-31 are allowable.

The status of the two parent files should be updated.

Applicant is requested to list all pertinent references included in Exhibits A-E in PTO form 1449.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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Serial No. 854,739

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Art Unit 121

Applicant's presentation of prior art statement and accompanying reference (5-13-87) is noted with appreciation. The reference has been placed of record in the file.

FAN/yrt
703/557-3920
07/17/87

Jane T. Fan
JANE T. FAN
PRIMARY EXAMINER
ART UNIT 121

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